IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Ramautar and others PETITIONERS

VERSUS

STATE OF HARYANA RESPONDENT

CORAM : HON'BLE MR.JUSTICE MEHTAB S.GILL

Present:- Shri D.K.Mittal, D.A.G. Punjab, Amicus Curiae for the petitioners.

Shri S.S.Patter, Senior D.A.G. Haryana.

MEHTAB S.GILL, J.

This revision petition has been filed against the judgment/order dated 1.6.1991/6.6.1991of the Judicial Magistrate Ist Class, Rewari whereby he

convicted Ramautar son of Gurdial, Lal Chand son of Hari Singh, Jagmal son of Kanwar Singh, Ranbir son of Kanwar Singh and Ravinder son of Sultan under Sections 323/325 I.P.C. read with Section 34 I.P.C. and sentenced them to undergo RI for 2 years under Section 325 I.P.C. and two months RI under Section 323 I.P.C. However, both the sentences were ordered to run concurrently.

Petitioners filed an appeal against the said judgment and the learned Additional Sessions Judge, Rewari vide his judgment dated 22.4.1993 released the petitioners on probation on their furnishing probation bonds/surety bonds in the sum of Rs.2000/- each and keep peace and good behaviour for a period of one year and to appear and receive sentence as and when called upon by the Court during that period.

The prosecution case in brief is that on on 5.10.1983 at about 7 a.m. Shiv Narayan was going to Khori Railway station for a bus. At about 7.30 a.m. when he reached near Gumina, Ramautar son of Gurdial, Jagmal son of Kanwar Singh, Ranbir son of Kanwar Singh emerged from left side of Jhunda plants. They were armed with Lathies and Ravinder son of Sultan, Lal Chand son of Hari Singh and Umrao son of Phul Singh, all the three armed with Lathis came out from the other side of the Jhundas. Umrao shouted that they will teach Shiv Narayan a lesson for the litigation, as he had come in their grip. On this Ramautar hit his shoulder with a Lathi. Jagmal gave a Lathi blow on his back and Ravinder gave a Lathi blow on his ribs. Lal Chand gave a Lathi blow on his left hand and Ramautar gave another blow on the joint of right foot. Thereafter they all started beating Shiv Narayan beating mercilessly. Shiv Narayan raised an alarm on which

Dhan Singh and Chandgi reached the spot and rescued him.

The prosecution to prove its case, brought into the witness-box Dr.P.P.Lekha PW-1, Piare Lal PW-2, SI Siri Bhagwan PW-3, Shiv Narayan PW-4 and Dhan Singh PW-5.

Learned counsel for the petitioners has argued that the doctor who medico-legally examined injured Shiv Narayan PW-4, was not brought into the witness-box and therefore, no importance can be attached to the X-Ray reports Ex.PW-1/A and in the absence of medical report, there is nothing to prove the nature of injuries. Learned counsel has further argued that out of the four eye-witnesses, only one witness was examined.

Learned counsel for the petitioners has stated that he does not want to assail the judgment of the learned trial Court on the part of conviction. He has prayed that sentence of the petitioners may be reduced to already undergone.

Learned counsel for the State has argued that prosecution has been able to prove its case against the accused/petitioners beyond reasonable doubt.

I have heard the learned counsel for the parties and perused the impugned judgment.

The learned trial Court has rightly observed that the prosecution has proved the case against the accused/petitioners beyond reasonable doubt.

Conviction of the petitioners is maintained. Occurrence is of the year 1983. Revision petition has been pending in this Court since 1993. Sword of conviction has been hanging over the heads of the petitioner for the last 24 years. This itself is a punishment. Sentence of the petitioners is modified to the extent

that their probation period is reduced to the period already undergone by them.

With the above modification in sentence, revision petition is dismissed.

(MEHTAB S.GILL)
JUDGE

August 8, 2007
GD

WHETHER TO BE REFERRED TO REPORTER? YES/NO